

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson

Serial Number: (original US) 60/075,612 (new) _____
(PCT) PCT/US99/03638

Filed: (original US) 20 February 1998 (new) _____
(PCT) 19 February 1999

For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit:

Examiner:

Assignee:

DECLARATION FOR PATENT APPLICATION

This Declaration is made by Kristopher S. Buchanan, Lisa Herickhoff, George Seidel,
George C. Malachowski, Matthias J.G. Ottenberg and Douglas H. Ferguson.

I, Kristopher S. Buchanan, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address
is 4300 Shadowbrooke Court, Fort Collins, CO 80526.

I, Lisa Herickhoff, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address
is 5123 E. County Road 52, Fort Collins, CO 80524.

I, George Seidel, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address
is 3101 Arrowhead Road, LaPorte, CO 80535.

I, George C. Malachowski, hereby declare:

- I am a citizen of Australia and that my residence and mailing address is 1112 Remington
Street, Fort Collins, CO 80524.

500 I, Matthias J.G. Ottenberg, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address is 3002 Indigo Court, Fort Collins, CO 80525.

600 I, Douglas H. Ferguson, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address is 37673 587th Avenue, Eden Valley, MN 55329.

We believe that we are the original, first, and inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "A Vibratory System For A Sorting Flow Cytometer", and

- as originally entitled " A Vibratory Unclogging Tool for Cytometer Nozzles" the specification of which was filed as United States Application Number 60/075,612, filed on February 20, 1998 (the "Original US Application"), and also
- as PCT Application Number PCT/US99/03638 filed on February 19, 1999, and designating the United States of America; this PCT Application being filed while the Original US Application was pending.

We hereby state that we have reviewed and understand the contents of the above-identified specifications, including the claims.

We hereby claim the benefit under Title 35, United States Code § 119, § 120, § 365 and otherwise of each of the above referenced foreign, United States and PCT patent application(s); there are no foreign applications having a filing date before that of the application(s) on which priority is claimed.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56(a). Further, insofar as the subject matter of any claims of this application was not disclosed in the prior United States or PCT International application I acknowledge the duty to disclose information which is known to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9/13/00
Kristopher S. Buchanan


UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer,
State of Colorado, United States of America, by Kristopher S. Buchanan, this 13 day of
September, 2000.


WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Colorado.



My Commission Expires 07/15/2003


Notary Public
My Commission Expires: 7-15-2003

Date:

Sept 18, 2000

Lisa Herickhoff


UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Lisa Herickhoff, this 18 day of September, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



My Commission Expires 07/15/2003


Notary Public
My Commission Expires: 7-15-2003

Date:

Sept 12, 2000

George Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer,
State of Colorado, United States of America, by George Seidel, this 12 day of September, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

Notary Public

My Commission Expires: 7-15-2003



My Commission Expires 07/15/2003

Date:

13th Sep '00
George C. Malachowski

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer,
State of Colorado, United States of America, by George C. Malachowski, this 13 day of
September, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Colorado.


Notary PublicMy Commission Expires: 7-15-2003

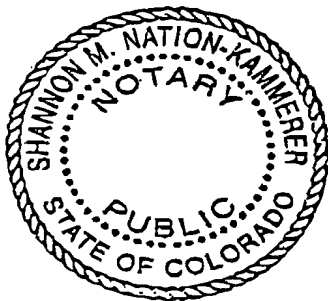
My Commission Expires 07/15/2003

Date: 9/13/00
Matthias J.G. Ottenberg


UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer,
State of Colorado, United States of America, by Matthias J.G. Ottenberg, this 13 day of
September, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Colorado.



My Commission Expires 07/15/2003


Notary Public
My Commission Expires: 7-15-2003

FROM : 09-15-2000 12:17AM

FAX NO. :
TANNER AND ASSOCIATES

Apr. 10 2001 09:04AM P21
386 6177 P.02

FROM :

FAX NO. :

Sep. 12 2000 08:26AM P3

Date SEPT 15 2000

Douglas H. Ferguson
Douglas H. Ferguson

UNITED STATES OF AMERICA)
STATE OF MINNESOTA)
COUNTY OF MEeker)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Meeker, State of Minnesota, United States of America, by Douglas H. Ferguson, this 12 day of September, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Minnesota.

Tonia M. Adell
Notary Public
My Commission Expires: 1-31-2005

